

REMARKS

Reconsideration is respectfully requested in view of Applicants' amendments and remarks herein.

Applicants have amended claim 1 to recite the subject matter of claim 2. Claim 2 has been canceled.

Thus, the claims under consideration are claims 1, 3-7, 11, 12, 15, 17 and 18.

In paragraph 2 of page 2 of the Office Action, claims 1, 3, 4, 7 and 17 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ogle in view of Chaignay and De Santo.

The amendment of claim 1 clearly obviates this rejection.

Neither Ogle, Chaignay nor De Santo teach employing a septum for the purpose of safely sampling the contents of a sealed chamber. Thus, claims 1, 3, 4, 7 and 17 are clearly unobvious over Olge in view of Chaignay and De Santo.

Applicants further submit that amended claim 1 is clearly nonobvious over Ogle in view of Chaignay and De Santo, and further in view of Loper.

It has been asserted by the Examiner that the piston plug of Loper is an equivalent of the septum of the present invention.

Applicants submit that the Loper's piston plug is not equivalent to the claimed septum. The "equivalence" of two different components cannot be based on the fact that the components

may be functional or mechanical equivalents - the equivalency must be recognized in the art. *In re Ruff*, 256 F.2d 590 (CCPA 1958).

In Loper, the piston plug operates to force a center sealing member into a lower compartment for the purposes of bringing a dry ingredient and a liquid ingredient into contact with each other. *See* Loper, col. 1, lines 19-22. Furthermore, the closure assembly of Loper is not described as suitable for the handling of toxic, dangerous chemicals.

In contrast to Loper, the septum of the present invention allows for the safe sampling of toxic chemicals. The art has not recognized Loper's piston plug as an equivalent capable of allowing safe sampling of a container's contents.

Applicants further submit that claim 1 is unobvious in view of the cited prior art because none of the references cited teach or suggest the claimed compressible section.

It is asserted that the "upper pleats" of De Santo are an equivalent of the claimed compressible section. Similar to the piston plug of Loper, the art has not recognized DeSanto's pleats as equivalent to the upper compressible section of the present invention.

Applicants submit that the pleats of De Santo and the claimed compressible section are not functional or mechanical equivalents.

De Santo does not teach breaking high-strength frangible containers. It is a primary purpose of the present invention to break high-strength frangible containers safely contained in the compressible reactor. De Santo teaches pouring liquids into the container. Thus, one skilled

in the art would not consider using the location of the pleats of De Santo in designing a compressible container that can break high-strength frangible containers in a safe manner.

In addition, the pleats of De Santo are maintained in a “cocked and ready” position. If De Santo’s container is jarred or treated roughly, the contents of the container may be inadvertently mixed. The claimed compressible section is more rugged and can withstand rough treatment without inadvertently mixed the contents contained therein.

Since the prior art does not recognize the claimed compressible section and the pleats of De Santo as equivalent, one of ordinary skill in the art would not have been motivated to combine reference teachings in the manner asserted by the Examiner.

From the above, Applicants’ claims 1, 3, 4, 7, 15 and 17 are clearly unobvious over the cited prior art.

In paragraph 3 of page 5 of the Office Action, claim 2 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ogle in view of Chaignay and De Santo, as applied to claim 1 above, and further in view of Loper.

Claim 2 has been canceled. The subject matter recited in claim 2 has been incorporated into claim 1. Thus, the rejection of claim 2 should be withdrawn. With respect to claim 1, for the reasons described above, claim is clearly unobvious over Ogle in view of Chaignay and De Santo, and further in view of Loper.

In paragraph 4 of page 6 of the Office Action, claims 5, 6 and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogle in view of Chaignay and De Santo as applied to claim 1, and further in view of Bolduc.

In paragraph 5 of page 9 of the Office Action, claim 11 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogle in view of Chaignay, De Santo and Bolduc.

In paragraph 6 of page 9 of the Office Action, claim 12 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogle in view of Chaignay, De Santo and Bolduc, and further in view of Loper.

In paragraph 7 of page 9 of the Office Action, claim 15 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogle in view of Chaignay.

With respect to the rejections of paragraphs 4-7 of the Office Action, Applicants submit that each of these rejections fails to render Applicants' claims as rejected obvious for the same reasons why claim 1 is unobvious over the cited prior art. All of these claims include the apparatus system features or corresponding process features of claim 1. Accordingly, all claims should now be in condition for allowance.

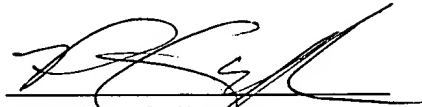
If any points remain prior to the Notice of Allowance, the Examiner is respectfully requested to contact the undersigned at the below listed telephone number.

AMENDMENT UNDER 37 C.F.R. § 1.111
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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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